

OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH 148.03

147.31 Bonds

The higher education coordinating commission is authorized to issue revenue bonds in accordance with provisions on revenue bonds for student loans in chapter 136A for the purpose of securing funds necessary for loans for up to a maximum of 40 recipients the first year of the biennium and 20 additional medical recipients the second year of the biennium as authorized by sections 147.30 to 147.33.

[1973 c 727 s 2]

147.32 Reserve fund; appropriations

Subdivision 1. The commission shall maintain a reserve fund for the purpose of repaying loans which are cancelled under the provisions of sections 147.30 to 147.33 or which are not collectible as due. The reserve funds may be held and may be invested by the commission in accordance with provisions on investment of reserves for student loans in chapter 136A.

Subd. 2. If there are insufficient moneys in the reserve funds to repay loans made under sections 147.30 to 147.33 which are cancelled or uncollectible as due, there is hereby appropriated to the commission from any moneys in the state treasury not otherwise appropriated, such moneys as are required to meet the deficiencies. The amount of the appropriation made by these provisions shall be certified by the executive director of the higher education coordinating commission to the state auditor whenever the appropriation shall be necessary.

[1973 c 727 s 3]

147.33 Recommendations; areas of need; applicants

The state board of medical examiners shall make recommendations to the commission with respect to areas of need and applicants for assistance.

[1973 c 727 s 5]

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CHIROPRACTORS

148.03 Appointment

The governor shall appoint a state board of chiropractic examiners consisting of two public members as defined for purposes of Laws 1973, Chapter 638

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and five resident chiropractors who shall have practiced chiropractic in this state for at least three years immediately prior to the time of appointment, all of whom shall be graduates of a course of chiropractic, but no more than two of whom shall be graduates of the same school or college of chiropractic; one resident chiropractor to be appointed each year to serve five years and until his successor is appointed and qualifies to the end that each member shall serve five years after the first appointment. The terms of the initial public members shall be for three and five years from the date of appointment respectively. The board shall have the authority to prescribe rules and regulations relative to the examination of applicants for license to practice chiropractic and for the annual renewal of licenses. Vacancies caused by death or otherwise shall be filled by the governor within 60 days. No member of the board shall be financially interested in any chiropractic school or college or be in any way affiliated with the practice of other methods of healing as are now regulated by law in this state.

[1973 c 638 s 10]

**148.04 Procedure**

The officers of the state board of chiropractic examiners shall have power to administer oaths, summon witnesses, and take testimony as to matters pertaining to its duties. It shall adopt a minimum of educational requirements not inconsistent with the provisions of sections 148.01 to 148.10, which shall be without prejudice, partiality, or discrimination as to the different schools or colleges of chiropractic. The board shall meet each year in March and September and at such other times as the majority of the board may deem proper. A majority of the board shall constitute a quorum for the transaction of business. The secretary shall keep a record of its proceedings. This report shall be prima facie evidence of all matters therein recorded.

[1973 c 638 s 11]

**148.07 Disposition of fees**

[For text of subd. 1, see M.S.1971]

**Subd. 2. Management of funds.** All fees received by the board under sections 148.01 to 148.10 shall be paid to the secretary-treasurer, who shall forthwith deposit the same with the state treasurer to be credited along with any outstanding balance in the special fund of the board as of July 1, 1973 to the general fund. The expenses of administering sections 148.01 to 148.101 shall be paid from the appropriation made to the state board of chiropractic examiners.

[1969 c 399 s 1; 1973 c 638 s 12]

**Subd. 3. Report.** The secretary-treasurer shall, on the first Tuesday of October of each even numbered year, file with the governor a report of all receipts and disbursements and proceedings of the board for the preceding two years. He shall give bond in such sum and with such sureties as the board shall deem necessary. Each member of the board shall receive a fee of \$35 per day and ordinary and necessary expenses in the same amount and manner as state employees, in attending the meetings of the board and for such other times as he may actually be engaged in business of the board.

[1973 c 638 s 13]

**REGISTERED NURSES**

**148.181 Board of nursing; membership, appointments, vacancies, removals**

Subdivision 1. The Minnesota board of nursing shall consist of 11 members appointed by the governor, each of whom shall be a resident of this state. Seven members shall be nurses who shall have completed at least an approved four-year high school course of study or its equivalent; shall have

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graduated from an accredited school of nursing; shall be licensed as a registered nurse in this state; shall have had at least five years experience in nursing following graduation, and four of whom shall have at least two years executive or teaching experience in nursing education and shall have been actively engaged in the practice of nursing within two years of her appointment. The remaining members shall be public members as defined for purposes of Laws 1973, Chapter 638 who shall serve five-year terms; provided that of the initial public members appointed, two shall serve a four-year term and two shall serve a five-year term beginning July 1, 1973. Each member of the board shall file with the department of state, the constitutional oath of office before beginning his or her term of office. Provided, however, that the present members of the Minnesota state board holding office under the provisions of the Minnesota nurse practice act shall serve as members of said board until the expiration of their respective terms or until their successors have been appointed and qualified.

Subd. 2. On expiration of the term of a member who is a nurse, the governor may appoint, from a list of members submitted by the Minnesota nurses' association and other professional nursing groups, a nurse to hold office for a term of five years. Such list should contain names of persons in number at least twice the number of places to be filled. Vacancies occurring on the board, when the member is a nurse, may be filled for the unexpired terms by appointments to be made by the governor from nominations submitted by the Minnesota nurses' association and other professional nursing groups in the manner aforesaid, within a period of 90 days.

Subd. 3. The governor may remove any member from the board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

[1973 c 638 s 14]

## 148.201 Compensation and expenses

Each member of the board shall receive \$35 per day for each day actually engaged in the discharge of her duties, and ordinary and necessary expenses in the same amount and manner as state employees.

[1973 c 638 s 15]

## 148.241 Deposit of moneys

Subdivision 1. All moneys received by the board collected under sections 148.171 to 148.285 shall be paid to the treasurer of the board who shall deposit the same each month, with the state treasurer. The state treasurer shall deposit the money, together with any outstanding balance in any special fund of the board as of July 1, 1973, in the general fund. The expenses of administering sections 148.171 to 148.285 shall be paid from the appropriation made to the Minnesota board of nursing.

Subd. 2. All amounts appropriated to the board shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the purposes of sections 148.171 to 148.285, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing care in this state.

[1973 c 638 s 16]

## LICENSED PRACTICAL NURSES

## 148.29 Definitions

[For text of subd. 1, see M.S.1971]

Subd. 2. "Board" means "Minnesota Board of Nursing," provided that one registered nurse who is a member of the Minnesota board of nursing, chosen by lot, shall not be a member of the licensed practical nurses board for

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purposes of this definition, and for the purposes of sections 148.29 to 148.297 and Laws 1971, Chapter 418 only, five additional members shall be appointed by the governor, one of whom shall be a doctor of medicine duly licensed and registered in this state, one of whom shall be an administrator or superintendent of a licensed hospital located outside of a city of the first class, and three of whom shall be duly licensed and registered practical nurses.

Upon May 21, 1971, the governor shall appoint one of the new members for a two year term and one of the new members for a one year term; thereafter each new appointment shall be for a three year term. Members shall hold office until a successor is appointed and qualifies.

[1973 c 638 s 17]

[For text of subds. 3 and 4, see M.S.1971]

### 148.296 Board; rules expenses

[For text of subd. 1, see M.S.1971]

Subd. 2. Each member of the board shall receive \$35 per day for each day actually engaged in the discharge of board duties and ordinary and necessary expenses in the same amount and manner as state employees.

[1973 c 638 s 18]

## MASSEURS, MASSEUSES

### 148.37 Qualifications of applicants

Any person of good moral character who is 18 years of age or over and who possesses the necessary educational or practical qualifications therefor, as determined by an interview administered by the board, shall be eligible for registration under the provisions of sections 148.33 to 148.51, otherwise he shall be ineligible therefor.

[1973 c 725 s 15]

### 148.45 Fees placed in fund

All fees and moneys payable under the provisions of sections 148.33 to 148.51 shall be paid to the secretary-treasurer of the state board of medical examiners and he shall forthwith deposit the same with the state treasurer as provided in section 147.05. The expenses of administering sections 148.33 to 148.51 shall be paid from the appropriation made to the state board of medical examiners.

[1973 c 638 s 19]

## OPTOMETRISTS

### 148.52 State board of optometry

The state board of optometry shall consist of two public members as defined for purposes of Laws 1973, Chapter 638 and five qualified optometrists appointed by the governor, each for a term of three years and until his successor qualifies. Vacancies in the board shall be filled by like appointments for unexpired terms. The terms of the initial public members shall expire two and three years from the date of appointment respectively.

[1973 c 62 s 1; 1973 c 638 s 20]

### 148.57 License

**Subdivision 1. Examination.** A person not authorized to practice optometry in the state and desiring to do so shall apply to the secretary of the state board of optometry for examination and pay a fee of \$50 to the board. The candidate desiring to apply for examination by the board shall complete a form furnished by the board and shall file the same with the secretary of the

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board at least two weeks prior to the date of the examination. With the submission of the application form, the candidate shall prove (a) that he is of good moral character, and (b) that he is a graduate of an optometry school requiring at least two academic years of preprofessional training for admittance to such school and which has been approved by the board, or that he is currently enrolled in the final year of study at such a school. The examination shall include both a written test and a practical demonstration and shall thoroughly test the fitness of the candidate to practice in this state. In regard to the written examination, the board (a) may prepare, administer, and grade the examination itself or (b) may recognize and approve in whole or in part a similar examination prepared, administered and graded by the national board of examiners in optometry or (c) may administer a recognized and approved examination prepared and graded by or under the direction of the national board of examiners in optometry. The board shall issue a license to each applicant who satisfactorily passes the examination and fulfills the other requirements stated in this section. The applicant shall pay to the board a fee of \$12 upon issuance of the license. In the event the candidate fails to pass a part of the examination, upon the payment of an additional fee of \$35, he may retake the examination at the time the board next schedules such examinations. The fees mentioned in this section are for the use of the board and in no case shall be refunded.

[1973 c 62 s 2; 1973 c 725 s 16]

(NOTE: Section 148.57, Subdivision 1, was also amended by Laws 1973, Chapter 725, Section 16, as follows:

"Sec. 16. Minnesota Statutes 1971, Section 148.57, Subdivision 1, is amended to read:

148.57 [Optometry, persons who may practice.] Subdivision 1. [Requirements.] The persons entitled to practice optometry in Minnesota who are not already registered shall be: every person of the full age of 18 years who furnished the state board of optometry with satisfactory evidence of:

- (1) His age and moral character;
- (2) That he has been graduated from an accredited high school or its equivalent, and that he possesses the knowledge essential to the practice of optometry;
- (3) That he be a graduate of an optometric school or college approved by this board, requiring an attendance of not less than four years' course.

Such school shall give a course of instruction covering and including the following minimum requirements:

Ocular anatomy .....	125 hours
Ocular pathology .....	125 hours
General anatomy .....	150 hours
General physiology .....	100 hours
General mathematics .....	150 hours
General physics .....	100 hours
General optics .....	100 hours
Theoretical optics .....	300 hours
Practical optics .....	100 hours
Theoretical optometry .....	250 hours
Practical optometry .....	200 hours
Hygiene .....	50 hours
Psychology .....	50 hours
Optical laboratory work .....	100 hours
Clinical work .....	100 hours

In the course of study herein outlined, the hours required shall be actual work in the class-room, laboratory, or clinic, and at least 80 percent of actual attendance shall be required."

**Subd. 2. Reciprocity.** A person who holds a certificate of registration, or license, from another state, and who has practiced not less than three years in that state, may apply for licensure in Minnesota by filling out and swearing to an application for license by reciprocity form furnished by the board and by filing that form with the board secretary along with a fee of \$100 at least two weeks prior to the regular meeting at which the board is considering such applications. The application fee of \$100 shall be for the use of the board and in no case shall be refunded. To verify that the applicant possesses the knowledge and ability essential to the practice of optometry in this state, the board may for good cause request the applicant to perform a practical demonstration to its satisfaction. The applicant may then be issued a license if the requirements for registration or licensure in the other state are deemed by the board to be equivalent to those of sections 148.52 to 148.62; provided, that the other state accords like privileges to holders of certificates from the Minnesota board.

[1973 c 62 s 3]

**Subd. 3. Revocation suspension.** The board, upon hearing, of which the accused shall have ten days notice in writing may revoke the license or suspend the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who is found by the board to be grossly incompetent, afflicted with contagious dis-

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ease, an habitual drunkard, or guilty of unprofessional conduct. "Unprofessional conduct" means any conduct of a character likely to deceive or defraud the public, including, among other things, price advertising, and free examination advertising, the loaning of his license by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; splitting or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by sections 148.52 to 148.62; the advertising by any means of optometric practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made. After one year, upon application and proof that the disqualification has ceased, the board may reinstate such person.

[1973 c 62 s 4]

[For text of subd. 4, see M.S.1971]

**148.58 Licenses filed; fee**

The holder of any license issued pursuant to Laws 1973, chapter 62, shall file the same for record with the clerk of the district court in each county wherein he conducts his practice and after record shall display it conspicuously at his place of practice. Upon removal to another county, he shall there in like manner file his license before engaging in practice therein. Such clerk's fee shall be as provided by law.

[1973 c 62 s 5]

**148.59 Annual license renewal; fees**

Before April 1 each year, each authorized optometrist shall pay to the state board of optometry a fee of \$50, in default of which the board, upon a hearing and after 20 days notice given by registered mail to the last known address of the registrant, may revoke the license of any optometrist so in default; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding \$25 as may be fixed by the board, shall excuse the default. The board may collect such fee by suit. At the time of paying the fee required by this section, the optometrist shall inform the board of the address of the place or places where he conducts his practice. He shall also inform the board of any change in the address or addresses of his practice during the next 12 month period within one month of the change. The board may, after promulgation of rules relating thereto and the issuance of an initial list of approved courses, require that optometrists satisfactorily complete appropriate educational requirements as a condition precedent to annual license renewal. Courses conducted within the state of Minnesota to be eligible for approval by the board must be open to all optometrists licensed in this state. The board shall consider both curriculum and fees in approving courses.

[1973 c 62 s 6]

**148.60 Disposal of fees; report**

All fees collected under sections 148.52 to 148.62 shall be received by the secretary and deposited together with any unexpended balance in a special fund of the board as of July 1, 1973 in the general fund. The secretary shall give such bond as the board shall from time to time require. The expenses of administering sections 148.52 to 148.62 shall be paid from appropriations made to the state board of optometry. On or before October 1 in each even numbered year, the board shall make a biennial report to the governor of its proceedings, receipts and disbursements for the preceding two fiscal years.

[1973 c 638 s 21]

**PHYSICAL THERAPY**

**148.70 Applicants, qualifications**

It shall be the duty of the state board of medical examiners with the advice and assistance of the state examining committee to pass upon the quali-

fications of applicants for registration, provide for and conduct all examinations, determine the applicants who successfully pass examination, and duly register such applicants. A person who desires to be registered as a physical therapist and who

- (a) is at least 18 years old;
- (b) is of good moral character;
- (c) has obtained a high school education or its equivalent as determined by the board, and
- (d) has been graduated by a school of physical therapy approved by the board for training physical therapists, may make application on a form furnished by the board, for examination for registration as a physical therapist as defined in sections 148.65 to 148.78. In determining whether or not such approval shall be given, the board may take into consideration the approval or nonapproval of such schools by the appropriate council of the American Medical Association or of the Canadian Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation. Such examination shall embrace the following subjects: the applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics, physical therapy, as defined in sections 148.65 to 148.78, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; and technical procedures in the practice of physical therapy as defined in sections 148.65 to 148.78, and such other subjects as the board may determine to be necessary. At the time of making such application, the applicant shall pay to the board \$15, no portion of which shall be returned.

[1973 c 725 s 17]

#### PSYCHOLOGISTS

148.79 [Repealed, 1973 c 685 s 14]

148.80 [Repealed, 1973 c 685 s 14]

148.81 [Repealed, 1973 c 685 s 14]

(NOTE: Section 148.81, Subdivision 1, was also amended by Laws 1973, Chapter 725, Section 18, as follows: "Sec. 18. Minnesota Statutes 1971, Section 148.81, Subdivision 1, is amended to read:

148.81 [Certified psychologist or consulting psychologist.] Subdivision 1. No person shall use the title "Certified Psychologist" or "Certified Consulting Psychologist" without an appropriate certificate granted by the board of examiners. Before granting any such certificate the board shall require any applicant therefor to pass an examination in psychology. This examination shall be given annually at such time and place and under such supervision as the board prescribes. Each applicant shall pay an application fee of \$25, which will not be refunded, and shall satisfy the board that he

- (a) Is at least 18 years of age;
- (b) Is of good moral character and is professionally ethical;
- (c) Is a citizen of the United States or files a declaration of intention to become a citizen of the United States;
- (d) Has received a doctorate or master's degree with a major in psychology, which may include educational and child psychology, from an accredited college or university or training deemed equivalent by the board;
- (e) Has had at least one year of employment as a psychologist;
- (f) Has not within the preceding six months failed an examination given by the board; and
- (g) Providing, however, that any applicant who has been denied the right to take said examination, or whose certificate has been revoked, or suspended, should have the right to appeal to the district court as in the case of civil action."

148.82 [Repealed, 1973 c 685 s 14]

148.83 [Repealed, 1973 c 685 s 14]

148.84 [Repealed, 1973 c 685 s 14]

148.85 [Repealed, 1973 c 685 s 14]

148.86 [Repealed, 1973 c 685 s 14]

## 148.87      OCCUPATIONS IN PROTECTION OF PUBLIC HEALTH

### 148.87    Compensation

All members of the board shall receive as compensation \$35 per day for attendance at board meetings and shall also receive their necessary expenses in the same manner and amount as state employees.

[1973 c 638 s 24]

## PSYCHOLOGISTS [NEW]

### 148.88    Citation

Sections 148.88 to 148.99 may be cited as the Minnesota licensing law for psychologists.

[1973 c 685 s 1]

### 148.89    Definitions

Subdivision 1. For the purpose of Laws 1973, Chapter 685 the term "private practice of psychology" means the application for a fee, monetary or otherwise, to the public of psychological principles in the description, prediction and modification of human behavior and emotional adjustment, including but not restricted to such practices as:

- (1) Psychological assessment, including such functions as intelligence, personality, aptitude, and attitude appraisal;
- (2) Psychological treatment of persons who have adjustment problems;
- (3) Psychological counseling and guidance;
- (4) Conducting behavioral research; and
- (5) Teaching of psychology.

Subd. 2. For the purpose of Laws 1973, Chapter 685 the term "collaboration" means consultation between a licensed psychologist and a licensed consultant psychologist on at least an annual basis but shall not necessarily require consultation on each case referred to a licensed psychologist.

[1973 c 685 s 2]

### 148.90    Board of examiners

Subdivision 1. The state board of examiners of psychologists created pursuant to Laws 1951, Chapter 672, is abolished, the terms of office of its members are terminated, and a new state board of examiners of psychologists is hereby created with powers and duties as hereinafter prescribed. The new board shall consist of eleven members. In its initial composition, membership shall consist of (1) three psychologists whose qualifications shall be not less than those specified in section 148.91, subdivision 4, (2) two psychologists whose qualifications shall be those specified in section 148.91, subdivision 5, (3) two doctoral level psychologists, not necessarily licensed under Laws 1973, Chapter 685, whose specialties broadly represent the fields of interest in psychology, and (4) four public members. After the initial appointments, members specified in clause (1) shall be licensed consulting psychologists and members specified in clause (2) shall be licensed psychologists. The initial appointments to the new board of examiners shall include among the eleven members the three individuals most recently appointed to the state board of examiners of psychologists herein abolished.

Subd. 2. The members of the board shall:

- (1) Be appointed by the governor.

Public members of the board shall broadly represent the public interest and shall not:

- (a) be members of health professions licensed by the state of Minnesota;
- (b) be a spouse, parent, child, or employee of a practicing psychologist or of a health professional licensed by the state of Minnesota;
- (c) be persons who are or were before their retirement persons who were engaged on a full or part time basis in the practice of psychology;



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(2) Be residents of the state;

(3) Subject to subdivision 3, serve for terms of four years, each term of office to expire on June 30, and no member of the board shall serve for more than two consecutive terms;

(4) Designate its officers, fix the compensation of its employees, employ such personnel as it deems necessary, and pursuant to chapter 15, prescribe such rules and regulations as may be necessary to enable it to carry into effect the provisions of Laws 1973, Chapter 685; and

(5) Administer oaths pertaining to the business of the board.

Subd. 3. The governor shall appoint the two appointees at the psychologist level for their initial term of office so as to give one a two year term, and one a three year term; the three appointees at the consulting psychologist level shall be appointed so as to give one a two year term, and one a four year term; the remaining two psychologists shall be appointed so as to give one a three year term and one a four year term. The governor shall appoint the initial public members of the board so that one member has a one year term, one member has a two year term, one member has a three year term and one member has a four year term. Thereafter, all appointees shall serve full four year terms of office. Each member shall hold office until a successor is appointed and qualifies. If a vacancy occurs, it shall be filled by appointment by the governor for the unexpired portion of the term.

Subd. 4. The board shall annually report in writing to the governor. Such reports shall include the names of all psychologists to whom licenses have been granted as provided in sections 148.91 and 148.92, as well as any cases heard and decisions rendered; recommendations as to future policies, rules, and regulations; the names, remuneration, and duties of its employees; and an account of all moneys received and expended by it.

Subd. 5. The members of the board shall receive the sum of \$35 for each day actually employed in the discharge of his official duties and his necessary expenses incurred incidental thereto in the manner of state employees.

[1973 c 685 s 3]

**148.91 Requirements of licenses**

Subdivision 1. The board of examiners may grant licenses for two levels of psychological practice. The persons so licensed are to be known and are hereafter referred to as (a) licensed consulting psychologist and (b) licensed psychologist, or if both levels are referred to, as licensee.

Subd. 2. Before granting any such license the board shall require every applicant therefor to pass an examination in psychology. This examination shall be given at least once each year, at such time and place and under such supervision as the board prescribes.

Subd. 3. Each applicant shall pay a nonrefundable application fee of \$75 set by the board. The licenses granted hereunder shall be valid for a period of two years from date of issuance, but may be renewed biennially. The fee for renewal shall be \$35.

Subd. 4. To become a licensed consulting psychologist a person must fulfill and comply with the requirements of subdivision 2 and satisfy the board that he:

(1) Has attained the age of majority;

(2) Is of good moral character and is not found to be engaging in unethical practices as defined within the code of ethics adopted pursuant to section 148.98;

(3) Has received a doctorate degree with a major in psychology, which may include educational and child psychology, from an educational institution meeting standards which may be prescribed by regulation of the board; and

(4) Has had at least two full years or their equivalent of post doctoral employment as a psychologist.

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Subd. 5. To become a licensed psychologist, a person must have:

(1) Received a doctorate or master's degree or has received the equivalent of a master's degree in a doctoral program with a major in psychology, which may include educational and child psychology, from an educational institution meeting the standards which may be prescribed by regulation of the board;

(2) At least two full years of experience or its equivalent of employment as a psychologist after receiving the training upon which application for this license is made;

(3) Otherwise fulfilled and complied with subdivision 2 and subdivision 4, clauses (1) and (2).

[1973 c 685 s 4]

**148.92 Waivers**

Subdivision 1. For a period of two years from July 1, 1973 the board shall waive the requirements of section 148.91, subdivision 2, and grant the appropriate license to any person who meets or has met the requirements of section 148.91, subdivisions 3, and 4, or 5, who is qualified by experience to practice at the appropriate level of psychology, and who has engaged in such practice of a nature satisfactory to the board for at least two years or its equivalent, within five years prior to July 1, 1973.

Subd. 2. The board may grant a license without an examination to any person who at the time of application is licensed or certified by a similar board of another state whose standards, in the judgment of the board, are not lower than those required by Laws 1973, Chapter 685 at the time he was licensed or certified in said state; or who is a diplomate of the American board of professional psychology.

Subd. 3. The board may grant a license as a consulting psychologist without an examination to any person residing in the state who has applied for said license on or before a date two years after July 1, 1973 and who fulfills and complies with section 148.91 subdivisions 3, 4, clauses (1) and (2), and 5, clause (1), and who has had at least ten years experience of a type satisfactory to the board.

[1973 c 685 s 5]

**148.93 Limitation**

A licensed psychologist may engage in private practice only in collaboration with at least one licensed consulting psychologist in his field of practice. In addition, a licensed psychologist so collaborating may form any other working relationships with members of his own or other professions insofar as these do not violate other sections of this or other Minnesota Statutes. It shall be unlawful for any licensed psychologist or licensed consulting psychologist to divide fees with, or to pay a commission to, or to pay a referral fee to any other person who calls him in consultation or sends clients to him for psychological services as defined in Laws 1973, Chapter 685, provided that payment of a fee for collaborative services performed is not prohibited by this section.

[1973 c 685 s 6]

**148.94 Review**

Any action of, or ruling, or order made or entered by the board declining to issue a license or recommending suspension or revocation of a license shall be subject to review under the procedures of chapter 15 and subject to the same powers and conditions as now provided by law in regard to rulings, orders and findings of other quasijudicial bodies in Minnesota, where not otherwise specifically provided.

[1973 c 685 s 7]

**148.95 Suspension and revocation**

Subdivision 1. The license of any consulting psychologist or psychologist may be suspended or revoked by the board upon proof that he has been guilty

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of unprofessional conduct as defined by the rules established by the board or has violated the code of ethics adopted by the board.

(1) No license shall be suspended or revoked or reprimand issued until after a hearing before the board. A notice of at least 30 days shall be served upon the licensee charged, either personally or by registered mail, stating the time and place of the hearing and setting forth the ground or grounds constituting the charges against him. The licensee is entitled to be heard in his defense and by counsel and may produce testimony and may testify in his own behalf. A record of the hearing shall be taken and presented. The hearing may be adjourned as necessary. If the licensee fails or refuses to appear, the board may proceed to hear and determine the charges in his absence. If he pleads guilty, or if upon hearing the charges, six members of the board find them to be true, the board may enter an order suspending or revoking the license or reprimanding him, as the case may be. The board shall record its findings and orders in writing.

(2) The board, through its chairman or vice chairman, may compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the state as in civil cases in the district court by subpoena issued over the signature of the chairman or vice chairman and the seal of the board. Upon request by an accused licensee and statement under oath that the testimony or evidence is reasonably necessary to his defense, the subpoena shall be served out of the district courts in this state and returned as a return in such case is made.

(3) For reasons it deems sufficient and upon a vote of five of its members, the board may restore a license which has been revoked, reduce a period of suspension or withdraw a reprimand.

[1973 c 685 s 8]

**148.96 Presentation to public**

No individual shall present himself or permit himself to be presented to the public by any title incorporating the word "psychological," "psychologist," or "psychology" other than those so licensed by Laws 1973, Chapter 685; except that:

(1) Any psychologically trained individual employed by educational institutions recognized by a regional accrediting organization, federal, state, county, or local governmental institutions, agencies, research facilities, or agencies providing services on a contracting basis may represent himself by the academic or research title designated by that organization;

(2) Any psychologically trained individual from such recognized institutions, as given in clause (1), may offer lecture services and be exempt from the provisions of this section; and

(3) Persons preparing for the profession of psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern," "psychological trainee," or others clearly indicating such training status.

[1973 c 685 s 9]

**148.97 Penalties**

Subdivision 1. Any person who shall engage in the private practice of psychology without having obtained a license under Laws 1973, Chapter 685 and any person who shall violate any other provision of Laws 1973, Chapter 685 shall be guilty of a misdemeanor.

Subd. 2. The practice of psychology without a license as defined in Laws 1973, Chapter 685 may be enjoined by a district court of the state of Minnesota on petition by the board. In any such proceeding it shall not be necessary to show that any person is individually injured by the actions complained of. If the respondent is found guilty of the unlawful practice of psychology, the court shall enjoin him from so practicing unless and until he has been duly licensed. Procedure in such cases shall be the same as in

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any other injunction suit. The remedy by injunction hereby given is in addition to criminal prosecution and punishment.

Subd. 3. (1) Nothing in Laws 1973, Chapter 685 shall be construed to limit the professional pursuits consistent with their training and code of ethics of professions such as teachers in recognized public and private schools, clergymen, physicians, social workers, alcohol or drug counselors, or optometrists or attorneys. However, in such performance any title used must be in accord with section 148.96.

(2) Persons preparing for the profession of psychology may perform as a part of their training any functions specified in section 148.89, but only under qualified supervision.

(3) Use of psychological techniques by business and industrial organizations for their own personnel purposes or by employment agencies or state vocational rehabilitation agencies for the evaluation of their own clients prior to recommendation for employment is also specifically allowed. However, no representative of an industrial or business firm or corporation may sell or offer for sale any psychological services as specified in section 148.89 unless such services are performed or supervised by individuals licensed under Laws 1973, Chapter 685.

Subd. 4. Nothing in Laws 1973, Chapter 685 is to be construed as restricting a sociologist who holds a doctoral degree in sociology or social psychology awarded by an accredited institution, and who elects to represent himself to the public by the title "social psychologist" and who has notified the board of his intention to represent himself as such.

Subd. 5. A psychological consultant who is not a resident of the state of Minnesota, but is licensed or certified by a similar board of another state whose standards, in the judgment of the board, are not lower than those required by Laws 1973, Chapter 685 at the time he was licensed or certified in said state or who meets the requirements of section 148.91, subdivision 4, and resides in a state which does not grant certification or licenses to psychologists may offer professional services in this state for no more than 60 days in any calendar year without holding a license under Laws 1973, Chapter 685, provided that such persons shall report to the board the nature and extent of their practice in this state if it exceeds 12 days in any calendar year.

Subd. 6. Nothing in Laws 1973, Chapter 685 shall be construed to authorize a person licensed under Laws 1973, Chapter 685 to engage in the practice of any other profession licensed under Minnesota law unless he is duly licensed in that profession.

[1973 c 685 s 10]

**148.98 Code of ethics**

The board of examiners shall adopt a code of ethics to govern appropriate practices or behavior, as referred to in section 148.89. The board of examiners shall file such code with the secretary of state at least 30 days prior to the effective date of such code. This code of ethics shall include, but not be limited to, the following principles:

(1) The psychologist recognizes the boundaries of his competence and the limitation of his techniques and does not offer services or use techniques that fail to meet professional standards established in particular fields.

(2) The psychologist who engages in practice assists his client in obtaining professional help for all important aspects of his problem that fall outside the boundaries of the psychologist's competence.

(3) A psychologist does not claim either directly or by implication professional qualifications that differ from actual qualifications, nor does he misrepresent his affiliation with any institution, organization, or individual, nor lead others to assume he has affiliations that he does not have.

[1973 c 685 s 11]

**148.99 Fees deposited in the general fund**

Subdivision 1. All fees charged and collected by the board shall be deposited by it in the state treasury to the credit of the general fund.

Subd. 2. All moneys credited and appropriated to the state board of examiners of psychologists created pursuant to Laws 1971, Chapter 672, shall be transferred, on July 1, 1973, to the credit of the general fund in the state treasury.

[1973 c 685 s 12]

**CHAPTER 149. EMBALMERS**

Sec.		Sec.	
149.03	Applicants, qualifications; licensees from other states; apprentices and trainees.	149.09	Statements; prices; cremation without casket [New].

**149.03 Applicants, qualifications; licensees from other states; apprentices and trainees**

Subdivision 1. The applicant for an examination for license in mortuary science shall make application therefor in writing verified on a form prescribed as to details and furnished by the state board of health. Such application shall be accompanied by a fee of \$25 and be supported by affidavits from at least two reputable residents of the county in which the applicant resides or proposes to carry on the practice of mortuary science certifying that the applicant is of good moral character. No person shall be granted a license in mortuary science unless he shall be at least 18 years of age and of good moral character and temperate habits. Before the study of embalming or funeral directing in mortuary science was commenced, he shall have satisfactorily completed at least two scholastic years at an accredited college or university in such subjects as the board may prescribe by regulation as suitable and desirable preparation for the study of mortuary science. The applicant for license in mortuary science, after having secured a certificate of graduation from the course in mortuary science conducted by the University of Minnesota or from a school or college of mortuary science duly accredited, shall serve at least one year of apprenticeship experience in mortuary science. Previous registered apprenticeship experience in Minnesota may be accepted by the board for a period not exceeding three months in partial fulfillment of this apprenticeship requirement. The applicant shall have such sufficient knowledge, experience, and training as the board may determine to properly qualify for a license in mortuary science.

[1973 c 725 s 19]

[For text of subds. 2 to 4, see M.S.1971]

**149.09 Statements; prices; cremation without casket**

Subdivision 1. Itemized statement to be furnished. Every person licensed or granted a permit pursuant to this chapter, including funeral directors and funeral establishments, shall furnish at the time funeral arrangements are made for the care and disposition of the body of a deceased person, an itemized statement in compliance with rules adopted by the board of health pursuant to chapter 15. The rules shall require a separate listing of cost in the following categories: casket; burial vault; use of facilities for funeral services; use of facilities for reviewal; specifically itemized transportation costs; specifically itemized funeral service merchandise; embalming; preparation of the body; other professional services; and a statement of all anticipated cash advances and expenditures.

Subd. 2. Requiring retail price of casket to be displayed. Every funeral director or operator who offers a casket for sale shall display the retail price of the casket in a conspicuous place on the casket.